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Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

List of issues in relation to the fifth periodic report of Sri Lanka

Addendum

Replies of Sri Lanka to the list of issues*

[Date received: 27 May 2017]

* The present document is being issued without formal editing.

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1. The Government of Sri Lanka (GoSL) submitted its fifth periodic report under the International Covenant on Economic, Social and Cultural Rights in October 2015. The present report seeks to respond to the List of Issues raised by the Committee on Economic, Social and Cultural Rights (CESCR) based on matters set out in the said 5th Periodic Report.

2. Following the Presidential election held in January 2015 and the Parliamentary election held in August 2015, the present National Unity Government was formed uniting the two major political parties in Sri Lanka — the Sri Lanka Freedom Party and the United National Party, with the intention of creating the political stability required to usher in essential reforms. The stability that emanated from this landmark move facilitated the implementation of a number of progressive measures aimed at ensuring economic and social development, strengthening democracy, rule of law and good governance; combating corruption; advancing reconciliation; and promoting and protecting human rights of all Sri Lankans. These progressive measures have been discussed at length in GoSL's reports/responses to UN treaty bodies in 2016 as well as early this year, including those submitted to the Committee on Elimination of Racial Discrimination (CERD), Committee Against Torture (CAT) and the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW).

3. On the specific matter of economic, social and cultural rights, several significant law reforms/policy measures were introduced/taken during the last 2 years, with a view to recognizing and giving effect to the rights enshrined in the ICESCR and the relevant domestic laws:

Recognising ESCR

- In April 2016, Parliament commenced sitting as a Constitutional Assembly for the purpose of drafting of a new Constitution with a comprehensive Bill of Rights for Sri Lanka. A special focus of this process is the proposal to recognise economic, social and cultural rights as justiciable fundamental rights. (More details in this regard are at para 1.1-1.5).

- In January 2017, the GoSL adopted Sri Lanka's National Human Rights Action Plan (NHRAP) for the period 2017-2021, which recognizes the indivisibility of human rights and contains a separate chapter on the protection and promotion of economic, social and cultural rights. The NHRAP, formulated with the contribution and the active participation of government agencies, members of the civil society and the general public, outlines the policy of the GoSL vis a vis the protection and promotion of human rights in the 10 key areas of (1) civil and political rights, (2) economic, social and cultural rights, (3) prevention of torture, (4) rights of women, (5) rights of the child, (6) rights of migrant workers, (7) labour rights, (8) rights of internally displaced persons, (9) rights of persons with disabilities, and (10) environmental rights. The Human Rights Commission of Sri Lanka (HRCSL) was a stakeholder in the process of developing the NHRAP.

Good governance

- Parliament enacted the 19th amendment to the Constitution in May 2015, whereby a host of democratic reforms including the reduction of Presidential powers, re-introduction of term limits and the establishment of independent bodies for appointment and oversight of key institutions including the judiciary, police, public service etc., were introduced. Among the institutions of which the independence was further strengthened through the 19th amendment were the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the Public Service Commission (PSC), and the National Police Commission (NPC) which are of direct relevance to good governance. The 19th amendment also provided for a National Procurement Commission and an Audit Service Commission with a view to ensuring transparency and preventing/eradicating public sector corruption.

- With a view to furthering good governance, the Government also established special bodies for the investigation of complaints of large-scale corruption and fraud. These

include a Presidential Commission of Inquiry to Investigate and Inquire into Serious Acts of Fraud and a high-level Anti-Corruption Committee. A new police division named the Financial Crimes Investigation Division was set up under the leadership of a Deputy Inspector General of Police to investigate financial fraud.

Language rights

- In a significant move, in March 2015, the Government issued a circular to all government institutions that no prohibition exists for the national anthem to be sung in the Tamil language. Further, on 4th February 2016, the National Anthem was sung in both official languages, i.e. Sinhala and Tamil, at Independence Day celebrations, for the first time in 67 years.
- Meanwhile, in view of barriers faced by people in the Northern and Eastern Provinces in accessing the law enforcement mechanisms, 216 male Tamil-speaking Police Officers, 26 Tamil-speaking female officers and 14 sub-inspectors whose vernacular is Tamil were recruited in 2016.

Rights of persons with disabilities

- Sri Lanka ratified the Convention on the Rights of Persons with Disabilities (CRPD) in February 2016. Drafting of enabling legislation to incorporate the provisions of the Convention into domestic law is in progress.
- In September 2016, Sri Lanka also acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

Labour rights

- Sri Lanka ratified the ILO Convention no. 122 of 1964 in February 2016, expressing commitment to declare and pursue an active policy to promote full productive and freely chosen employment.
- In 2017, the Cabinet adopted the National Policy to end Child Labour.

Land rights

- The Prescription (Special Provisions) Act No. 5 of 2016 was passed by Parliament in April 2016, making special provisions in respect of persons who were unable to pursue their rights in court for the recovery of any immovable property including land, due to the activities of any militant terrorist group and related issues.
- A few months later (in August 2016), the Cabinet of Ministers approved the National Policy on Durable Solutions for conflict-affected displacement, setting out the Government's long-term policy and vision pertaining to resettlement of IDPs.

ESCR of women and children

- With a view to addressing issues faced by female heads of households and making them part of the development process, the Cabinet granted approval, in October 2016, for a proposal to formulate a three-year National Plan for Women Headed Households in respect of fields such as health, psycho-social support, livelihood development, support services, protection, social security, raising community awareness.
- Guidelines for the Maintenance of temporary shelters to provide protection for women victims of violence were adopted in November 2016, as such shelters are maintained both by Government actors as well as in private premises with the assistance of police, hospitals and NGOs.
- In November 2016, the Ministry of Women and Child Affairs launched the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka for the period 2016-2020.

- The establishment of gender mainstreaming committees at government Ministries, Departments and Institutions was approved by the Cabinet in December 2016, with the objective of eliminating gender discrimination and violence against women in the work place.

- Reiterating the Government's commitment to reform personal laws that are discriminatory towards women, a Cabinet Sub-committee chaired by the Hon. Minister of Justice was appointed in October 2016 to deliberate and propose amendments to the Muslim Marriage and Divorce Act.

- In January 2017, a three-year National Programme titled "Lets Protect Children" proposed by the President and aimed at combating child abuse, ensuring child protection, health, nutrition and welfare and personality development, education and life skills, was adopted.

3. In the backdrop of the above significant legal policy measures, the GoSL wishes to respond to the specific issues raised by the Committee as follows.

I. General Information

1. Status of Drafting a Comprehensive Bill of Rights

4. Discussions on formulating a new Constitution containing a comprehensive bill of rights commenced with country-wide public consultations conducted by a Public Representations Committee (PRC) which entertained proposals from the public on constitutional reforms. The report of the PRC was handed over to the Prime Minister in May 2016. It makes detailed recommendations in favour of constitutionalising economic, social and cultural rights (ESCR) and also recommends the judicial enforcement of these rights. The report can be accessed at http://www.yourconstitution.lk/PRC_Rpt/PRC_english_report-A4.pdf.

6. In the meantime, the Parliamentary process for drafting a new Constitution commenced on 8th April 2016 with the Parliament resolving to sit as a Constitutional Assembly, and is currently in progress. The findings of the PRC were channelled into this process. At the first sitting of the Constitutional Assembly, seven Deputy Chairmen were elected to preside over the Assembly meetings in the absence of the Chairman. A Steering Committee consisting of twenty-one members was appointed, and the Prime Minister was unanimously appointed as the Chairman of the Steering Committee. Six Sub-Committees, including a Sub-Committee on Fundamental Rights, were thereafter appointed to advise the Steering Committee and make appropriate recommendations on specific thematic issues. Following deliberations, the Sub-Committees handed over their reports in November 2016.

7. The following excerpt from the report of the Sub-Committee on Fundamental Rights indicates the positive consideration given by the said Sub-Committee in respect of incorporating ESCR as justiciable rights in the Constitution:

> *"The Sub-Committee considered in particular the inclusion of justiciable socio-economic rights in modern constitutions. At the time of promulgation of the present constitution in 1978, such rights had not received global attention. Therefore relegating these rights to a chapter on Directive Principles of State Policy was consistent with the formulation of constitutions of the time. However, in the last two decades, in the light of global developments in human rights it has become clear that the intrinsic link between political rights and freedoms and access to economic resources and access to economic resources and a better quality of life can no longer be overlooked. This is particularly so in a country such as ours where deprivation of such resources has led to violent conflicts in past. The global trend is to recognize such rights as fundamental rights as evidenced by the constitution of South Africa, East Timor, Kenya, Nepal and Latin American Countries. Sri Lanka also committed to the Sustainable Development Goals and it is appropriate that these commitments be given expression in the new Constitution. These rights were also included in the Constitution Bill of 2000 and the proposals of 2009. The Sub-*

Committee therefore determined that in the formulation of the progressive and futuristic Bill of Rights, the inclusion of justiciable socio-economic rights was of paramount importance.

8. The Sub-Committee report also recommends the inclusion of, *inter alia*, the following rights in the proposed new Constitution:

- Right to equality and freedom from discrimination — Women and men shall have equal rights and duties in all areas of public, family, political, economic, social and cultural life;
- Right to enjoy and promote culture and use of language;
- Freedom to engage in any lawful livelihood, trade, occupation, profession, business or enterprise;
- Labour Rights;
- Trade Union Rights;
- Right to privacy;
- Family Rights;
- Right to ownership of property;
- Right to education;
- Right to Health;
- Social Rights — Rights to sufficient food and nutrition, clean water and sanitation, adequate housing and shelter, appropriate social protection including social security when unable to support the citizen and citizen's dependents and decent employment.

9. The reports of the 6 Sub-Committees are currently being discussed by the Steering Committee whose report is expected to be submitted to the Constitutional Assembly in the coming months. It is also expected that the Final Report of the Steering Committee will be accompanied by the Draft Constitutional Proposal containing the proposed text of the new Constitution, which would then be placed before Parliament for approval.

2. Measures taken to improve awareness of the ICESCR

10. The core international human rights instruments including the ICESCR is part of the training provided to the members of the judiciary, including through the Judges Institute. Awareness regarding ESCR and their importance, on the part of the Sri Lankan judiciary, is evident in the numerous judicial decisions where the courts have made determinations in furtherance of the ESCR of Sri Lankans (particularly in the area of education), despite ESCR only forming part of Directive Principles of State Policy under the present Constitution.

11. Of particular significance in this regard is the recent determination of the Supreme Court with regard to a case where a child who was thought to be HIV/AIDS infected was denied access to primary education owing to pressure brought on the school principals to deny admission to the child.[3] Delivering judgement on the petition[4] filed by the child's mother, the Chief Justice stated that:

> "... *the Court would like to place on record that in terms of Article 27(2)(h) of the Constitution it is one of the directive principles of state policy to ensure the right to universal and equal access to education at all levels. The Court also wishes to place*

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[3] The reports of the Sub-Committees are available at http://english.constitutionalassembly.lk/index.php?option=com_content&view=article&id=126:interim-report&catid=9:uncategorised&Itemid=437.

[4] SC/FR/No.77/2016.

[5] The Court did not proceed with the petition as steps had been taken subsequently to admit the child to another school.

on record that the state should ensure that the human rights of the people living with HIV/AIDS are promoted, protected and respected and measures to be taken to eliminate discrimination against them."

12. It may be noted that, even prior to the above case, a number of incidents pertaining to school admissions and university admissions were challenged before the Supreme Court, in which the Court has consistently observed that the right to education has been recognised in Sri Lanka through judicial interpretation.[6] To arrive at its decisions, the Court has used Article 12 of the Constitution which ensures equality and non-discrimination based on race, religion, language, etc. or any such grounds. For instance, in *Kavirathne v Pushpakumara*,[7] the Supreme Court made the following observations:

> *"The right to education is illustrated by the formulation in Article 26 of the Universal Declaration of Human Rights. Article 26 (1) of the said Declaration states that "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit" (emphasis added).*
>
> *Although Article 27 (2) h refers to the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to Education at all levels, this has been provided under the directive principles of State policy. However, Article 12 (1), which deals with the right to equality has embodied in itself that all are equal before the law and are entitled to the equal protection of the law. By way of application of Article 12 (1) of the Constitution this Court from time to time had upheld the right to Education.*
>
> *In many decisions, the Supreme Court had made order not only with regard to the admission of children to Government Schools, but also to different faculties in the National Universities. Therefore although there is no specific provision dealing with the right to Education in our Constitution as such in the Universal Declaration of Human Rights, the said right has been accepted and acknowledged by our Courts through the provisions embodied in Article 12 (1) of the Constitution."*

13. In addition to the judiciary, human rights education also forms part of the training of law enforcement officers, members of the armed forces and prison officers. Training in the area of human rights is part of the curriculum for members of the Police at the time of recruitment, promotion and while in service. Key human rights related Conventions including the ICESCR are taught in military and police training programs as an important component of the syllabus. International as well as national experts, practitioners and academics contribute to teaching and training on a regular basis. Even in the degree awarding tertiary institution established for military personnel, the Kotalawala Defence University, where many military cadets pursue degree programmes, human rights is taught as an important component of the academic programme.

3. Implementation of the National Human Rights Action Plan 2011-2016

14. No official assessment has been carried out on the level of implementation of the 2011-2016 National Plan for Protection and Promotion of Human Rights. However, upon a study that was undertaken during the formulation of the National Human Rights Action Plan for the period 2017-2021, it was found that the promulgation of a number of law reforms and the implementation of other measures aimed at ensuring governance, rule of law and human rights post-2015 following the formation of the present National Unity Government, has resulted in the majority of the unimplemented action points in the NHRAP 2011-2016 being effectively addressed during the last 2 years.

15. To secure the achievement of the provisions of the NHRAP 2011-2016 that still remain unimplemented and with a view to further advancing measures to protect and

[6] See *Kavirathne v Pushpakumara (The Z Score case)* SC (FR) 29/2012 SC Minutes 25 June 2012.

[7] SC (FR) 29/2012 SC Minutes 25 June 2012.

promote human rights, the Government, in January 2017, adopted a NHRAP for the period 2017-2021. As already stated, this Action Plan, which was formulated following extensive and inclusive consultations with Government stakeholders, Civil Society and the General Public, contains a comprehensive chapter on Economic, Social and Cultural Rights setting out progressive and realistic action points to be implemented within the next five years. A copy of ESCR chapter of the NHRAP 2017-2021 is at **Annex I**.

4. Impact of measures to combat corruption and impunity

16. As already indicated, the enactment of the 19th Amendment to the Constitution strengthened the independence of key government institutions including the Commission to Investigate Allegations of Bribery or Corruption (CIABOC). Consequently, the Commission has been able to pursue its mandate of preventing as well as combating corruption in an effective manner in the past 2 years.

4.1 Law enforcement measures

17. The details pertaining to the processing of complaints received by CIABOC in the last 2 years and 5 months are as follows:

- In the year 2015, CIABOC received 3,913 complaints,* and concluded 1530 Investigations. 108 cases were filed in court.
- In the year 2016, 3,450 complaints were received and 2,776 Investigations were concluded. 87 cases were filed in court.
- From January to March 2017, 600 complaints had been received and 10 cases had been filed in court. Investigations on 4,330 cases were ongoing.*

18. The processing of the cases is ongoing. A methodology has been adopted to expedite the process of concluding cases expeditiously. Additionally, supervision takes place at every level of the investigation, case reviews are undertaken, and service of experts in relevant fields is obtained to upgrade the knowledge of investigators to conclude the investigations expeditiously. Steps have also been taken to increase the number of investigators.

19. Since 2015, many complaints have been received against politicians and Government officials. More in depth and complex investigations are being carried out in this regard using a variety of experts.

20. Measures are underway to recruit around hundred new specialists on Banking, Forensic Accounting, Auditing, Financial Analysis, Valuation, Economics, Banking, Stock Market, Procurements, Assets Recovery, Digital Forensic, Management, etc. to assist the Investigations Division of the CIABOC.

4.2 Prevention

21. CIABOC is of the view that a robust prevention mechanism is essential to irradiate bribery and corruption. Accordingly, the following steps have been taken towards preventing bribery and corruption:

- The establishment of a separate unit on the Prevention is in progress. A building has been rented to establish the prevention unit and the Salary and Cadre Commission has approved 15 officers to be recruited thereto as prevention officers. The

* Of the total number of complaints received, CIABOC undertakes investigations on matters falling within the purview of its mandate and forwards others to relevant agencies such as police.

Out of the complaints received by the CIABOC, 60% are anonymous. After receiving a complaint, CIABOC commences a Preliminary Investigation into the matter. Where it is found that the material elicited is not sufficient for launching criminal proceedings, such cases are concluded and closed. Where the subject matter of the complaint falls within the purview of CIABOC, same is referred to the relevant institutions. If a prima facie case is revealed at the thorough investigation conducted, criminal proceedings will be instituted in court against the suspect.

Commission has initiated a dialogue with other stakeholders to enhance the cadre of the prevention unit. To this end, a study visit was undertaken by the Commission to the Independent Commission Against Corruption (ICAC) in Hong Kong.

- The 19th amendment to the Constitution gave specific recognition to United Nations Convention against Corruption (UNCAC) and its implementation along with other international conventions relating to prevention of Corruption. The second cycle for the review mechanism of Sri Lanka's implementation of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the UNCAC was held in March 2017 in Colombo. The Commission was successful in bringing all the key stakeholders in the Government sector and the private together at the said UNCAC review cycle and receiving their active participation in discussions.
- On 9th December 2015, the CIABOC launched a three (3) year action plan for combating Bribery and Corruption on a strategy based on "Seven Steps to Zero Tolerance of Corruption". The civil society also participated in the preparation of this action plan of which the implementation has commenced.
- With regard to legal reform, consultations are currently underway to amend the Declaration of Assets and Liabilities Law No. 1 of 1975. A committee has been appointed to draft the proposed amendments.
- Several rounds of deliberations have been held among the stake holders in the education sector to include subjects related to promoting the importance of combating bribery and corruption into the school curriculum.
- Discussions have been held with several institutions with regard to the possibilities of having a pilot project to establish an internal system within each institution to curb in-house corruption.
- Capacity building programmes for investigators and prosecutors of bribery and corruption are being conducted.
- CIABOC and the Ministry of Education have commenced several long term and short-term projects to educate school children. Short term projects include month of October being declared as the anti-corruption month in all schools, creative competitions in 7 segments, introducing regulations to curb corruption in the school administration. Long-term projects include introducing anti-corruption measures to schools syllabuses, establishing Integrity clubs in all schools etc.
- Sri Lanka endorsed the Anti-Corruption Action Plan for Asia and the Pacific which was a result of the ADB/OECD Anti-corruption initiative, on 26th March 2007. Accordingly, in 2007 National anti-corruption action plan was prepared following a consensus process and with the assistance of USAID. This action plan identified significant objectives and action required. Several recommendations were implemented.

22. Meanwhile, investigations launched by the Presidential Commission of Inquiry to Investigate and Inquire into Serious Acts of Fraud and the Financial Crimes Investigations Division are also in progress. Statistics pertaining to complaints received by the FCID (as at 15th March 2017) are as follows:

No of complaints	No of investigations	No of prosecutions	No of cases handed over to the AG's Dept	No of convictions
327	327	12	76	-

5. Measures taken to prevent and address corruption in acquisition, occupation and sale of land and property

23. Government agencies are required to follow certain stipulated legal and administrative procedures as per the Land Acquisition Act No. 28 of 1964 in acquiring land

for public purposes. These procedures are aimed at ensuring transparency of the process and safeguarding the rights of the land owners.

24. Where a land is required for a public purpose of any Ministry, Department, Corporation, Statutory Board, Provincial Council or a Local Government Institution, the Head of the particular Department forwards an acquisition proposal to the Secretary, Ministry of Lands through the Secretary to the Ministry under whose purview the particular institution falls.

25. After confirming accuracy of the proposal, the acquisition procedure is commenced upon the approval of the Minister of Lands. Compensation and interest are paid to land owners in respect of lands acquired. A step by step illustration of the acquisition process that is followed is in the following table:

Acquisition Application Form 01, Form 02, Form 03, Form 04	*Applicant Institution — Forward the application through the respective Ministry*
Section 2 Direction	Ministry of Lands — Grant authority to enter the land and the decision of Hon. Minister that the particular land is needed for a public purpose
Section 2 Notice Sinhala, English, Tamil	Divisional Secretary — Publish the notice in the surrounding area
Advance Tracing	Superintendent of Surveys
Section 4 Direction	Lands — Inviting objections from the land owners and decision of the Hon. Minister for investigation
Section 4 Notice Sinhala, English, Tamil	Divisional Secretary — Publish the notice inviting objections
Objection Inquiry	Applicant Ministry — Forward recommendations after conducting investigations on objections
Section 5 Declaration	Ministry of Lands — Decision of the Hon. Minister of Lands that the land is to be acquired
Section 5 Notice Sinhala, English	
Final plan	Superintendent of Survey
Section 7 Gazette Notice Sinhala, English	Divisional Secretary Government Printer — Invitation notice to investigate the title of the land
Section 9 — Inquiry into Title	Divisional Secretary — Investigating title
Section 10 — Decision on Title Notice, Forward to Court (Form 02, Form 04)	Divisional Secretary — Determine the title
Valuation	Valuation Department
Section 17 — Awarding Compensation (Form)	Divisional Secretary
Payment of Compensation	Divisional Secretary — Allocate financial provisions from the Ministry of Lands or the relevant Institution and make payments to the land owner
Gazetting 38 Order	Ministry of Lands — Take over the land's possession to the Government
Taking undisturbed possession	Divisional Secretary — Take over the procession and hand it over to the applicant institution

Section 44 Vesting Certificate Registration of State Ownership Form 01, Form 02, Form 03, Form 04, Form 05, Form 06, Form 07, Form 08	Divisional Secretary/Registrar General	Issue vesting certificate to the Institution concerned, after payment of compensations to the land owners.

26. With regard to the disposal of lands held by the military too, the procedure to be followed is laid down in the Land Acquisition Act. In terms of the said procedure, once land is released by the Ministry of Defence to the District/Divisional Secretary of the respective areas, the distribution of land to its lawful owners is carried out by the Ministry of Land.

27. Statistics indicating the total acreage of land (including state land) that had been acquired by the military and the extent of land released to their private owners and state institutions (in the case of state land) as at 13 March 2017 are given in the following table:

	State Lands		*Private Lands*		*Total*	
	Acres	*%*	*Acres*	*%*	*Acres*	*%*
Lands occupied by Armed Forces at the beginning of the reconciliation process	73 745	100	30 833	100	104 578	100
Land released as at 16 May 2017	54 769	74.2	24 394	79.1	79 163	75.69
Land to be released by end of 2017 (in remaining months)	2 859	3.8	519	1.6	3 378	3.23

II. Issues relating to general provisions of the Covenant Non Discrimination (art.2 (2))

1. Access to support and services by PwDs

28. As stated, Sri Lanka ratified the Convention on the Rights of Persons with Disabilities in February 2016. Enabling legislation is being drafted, and will be presented for approval to the Cabinet of Ministers by the end of September 2017.

29. A number of state agencies including the Ministry of Social Empowerment and Welfare, Ministry of Labour and Trade Union Relations, Ministry of Public Administration and Management, and the Department of Social Services, have made special provisions for persons with disabilities to access employment.

30. Public Administration Circular No. 27/88 of 18 August 1988 recognizes the need for affirmative action to increase employment opportunities for persons with disabilities. The Ministry of Public Administration has accordingly instructed all ministries, departments and corporations to fill at least 3% of vacancies in the public service by recruiting persons with disabilities possessing the requisite qualifications, and whose disability would not be a hindrance to the performance of their duties.

31. The 2012 National Human Resources and Employment Policy recognizes that persons with disabilities face issues and challenges in accessing education, vocational training, employment, and development assistance programmes. The Policy provides for specific action to assist persons with disabilities to obtain employment by, for example, creating an enabling physical environment and granting incentives to employers to recruit persons with disabilities.

32. The Department of Social Services provides free vocational training to persons with disabilities through specialised training centres. Successful trainees receive toolkits relevant

to the employment in their trained field. Moreover, self-employment assistance is granted to persons with disabilities through the National Secretariat for Persons with Disabilities. Grants of up to Rs. 25,000 are given to low-income persons with disabilities to begin a new self-employment initiative, or to enhance an existing one.

33. An employment database has been created by the Ministry of Labour and Trade Union Relations to assist persons with disabilities to connect with prospective employers. Any person with disabilities can access the website *www.employmentforpwds.org*, and register in anticipation of an employment opportunity.

34. The Disabled Persons (Accessibility) Regulations of 2006 were issued in October 2006 to enhance accessibility to all public buildings, public places, and places where common services are available.

2. Update on the situation of estate worker families

35. All Sri Lankans, including those in the estate sector, are entitled to economic, social and cultural rights and privileges to the extent guaranteed by the fundamental rights Chapter of the Constitution. However, it is acknowledged that, in implementation, there are considerable gaps which the government is mindful of. It is in in view of the above that GoSL set up a dedicated Ministry of Hill Country New Villages, Infrastructure and Community Development in September 2015.

36. With this special focus on protecting and promoting the rights of the estate community, the Government, in 2016, adopted a National Plan of Action (NPA) for the Social Development of the Plantation Community for 2016-2020. The objectives of the NPA are to identify and prioritise the development intervention which would address the areas of social development with a view to increasing the standards of living of the estate sector community. The NPA mainly focuses on the following areas:

- Housing, water supply, sanitation and other infrastructure;
- Early child care development;
- Health and nutrition;
- Primary and secondary education;
- Skills development and vocational training;
- Community empowerment and governance.

37. The cost for the implementation of the NPA is estimated to be Rs. 98,000 million for the five years of the operation of the NPA. The NPA seeks to achieve the following targets vis a vis the estate sector community during the said period:

Target	*Current Position*	*Envisaged Position*
Poverty head count index	10.9%	6%
Prevalence of anemia in children under 5 years	61%	17%
Low birth weight of infants	31%	13%
Individual houses with land ownership		56,500
Access to improved drinking water	52%	90%
Access to improved sanitation	73%	90%
Early child care development centres	44%	80%
Increasing youth and women clubs to enhance leadership qualities and decision making power		
Increasing the number of estate hospitals that are under the Government health system		

2.1 Housing

38. The NPA aims to provide individual houses with an ownership of 7 perches land for each estate worker family. In 2015, approximately 1,500 houses were distributed among

families and it is expected to complete construction of 2,000 houses by end 2017. With the assistance of the government of India, 1,134 more houses are being constructed for families of estate workers who are living in disaster-prone areas, while beneficiary selection has been done for another 2,800 houses. Under this programme, 71 families were resettled in a new village located Hantevitte estate of Agarapathana Plantations. Issuing clear title deeds for house owners in the estate sector commenced from February 2017.

2.2 Data base

39. In response to the lack of credible statistical data on the availability of ESCR in the estate sector, the Ministry of Hill country New Villages, Infrastructure and Community Development in collaboration with the UNDP, is in the process of developing a database for the plantation sector which would assist in identifying the areas of intervention. The proposed database is expected to document statistical data to assess the extent to which ESC rights are enjoyed by the community.

2.3 Re-roofing of line rooms

40. As an interim measure, dilapidated line rooms are being re-roofed. Accordingly, over 1,500 line rooms were re-roofed by end 2016. It is expected to re-roof 900 more houses within this year.

2.4 Safe drinking water supply

41. Safe drinking water is being provided to all newly built houses. In the year 2015/16, 40 more water supply projects were implemented. Funds have been allocated to complete 36 more water projects during this year. With the financial assistance of the World Bank, the Government has implemented 19 large-scale water projects that would benefit 15,800 families.

2.5 Sanitation

42. Since 2015, more than 1,500 latrines were provided to the plantation community, 900 more are to be completed within this year. With assistance received from World Bank, the Government has commenced constructing 7,300 new latrines in the Nuwara Eliya district.

2.6 Allocation of funds

43. Allocation of funds for the social and infrastructure development of the plantation community has been substantially increased since 2015.

Year	Funds allocated (Rs.)
2015	1,146 million (expenditure)
2016	1,800 million (expenditure)
2017	4,020 million

44. As indicated above, the finances allocated for the improvement of the standards of living of the estate sector has nearly quadrupled in 2017, in view of the Government's commitment to uplift the lives of estate workers and their families.

2.7 Health

- The Estate Health Infrastructure Project (2015-2017) is ongoing, upon receiving the budgetary allocation in order to improve Hospitals in the plantation sector. This covers construction, renovation, refurbishment, and modification of equipments in the Health Institutions located in Nuwaraeliya, Badulla, Kandy, Kegalle, Ratnapura, Matale, Matara, Gampaha, Kalutara and Monaragala.
- In order to improve sanitation in the plantation sector, steps have been taken to construct 2522 latrines within the period of 2014-2016.

- Special promotional programmes in the form of awareness raising among the community and capacity building for the medical staff were conducted by the Ministry of Health. Among which Cancer screening, Tobacco prevention, Medical Camps, Road Safety and Tamil language programmes for staff stationed in the Tamil sector are noteworthy.

- Parliamentary oversight committee established a subcommittee to monitor and evaluate the improvements of the health sector in the vulnerable communities. Ministry of Health and the implementation of national health programs in the Tamil sector with the multisectoral participation and cooperation of the political leaders and the planters in the area.

- "Multisectoral Nutrition Assessment in Sri Lanka (Tamil Sector) report" published in 2017 in collaboration with the World Bank, recognizes the existing gaps in the system and provides a framework to address them effectively.

3. Measures taken to address statelessness and lack of birth certificates affecting the Tamils

3.1 Statelessness

45. Article 26 (1) of the Constitution provides that there should only be one status of citizenship known as "the status of citizenship of Sri Lanka". Article 26 (3) states that no distinction shall be drawn between citizens of Sri Lanka for any purpose by reference to the mode of acquisition of such status, as to whether acquired by descent or by virtue of registration.

46. The issue of "statelessness" arose in early years with regard to the Tamils of Indian origin who acquired citizenship based on both legal and policy initiatives taken by the successive governments of Sri Lanka.

47. Pursuant to the enactment of the Grant of Citizenship to Stateless Persons (special provisions) Act no 39 of 1988 and the Grant of Citizenship to Persons of Indian Origin Act no 45 of 2003, the issues pertaining to the citizenship of Tamils of Indian Origin have been addressed. In all previous legislations on this matter, a person had to apply for citizenship and it has to be granted under the law by registration. It was compulsory. Different to these two enactments, the status of Sri Lanka citizenship was conferred on all eligible persons of Indian origin who have not obtained Sri Lanka citizenship under the previous enactments. They need not to apply for it but get it effortlessly. Further, there is no requirement to have a citizenship certificate to prove their citizenship. It was ordered to accept an affidavit as prima facie evidence of status of citizenship of such a person for any purpose under section 4 of both acts. Since their issues pertaining to obtaining citizenship have now been addressed, there is no barrier preventing Tamils of Indian Origin to obtain a National Identity Card.

48. As a result, Sri Lanka has been identified as a case of good practice by the UNHCR which has stated that "Sri Lanka presents one of the best examples of how legal and policy reform, combined with a citizenship campaign, can resolve a long-standing situation of statelessness in a short time."[1]

3.2 Birth certificates

49. Where a person does not have satisfactory evidence to establish the date of birth, probable age certificates are issued for the purpose of facilitating their education and employment related matters. The Deputy High Commission of Sri Lanka in Tamil Nadu and the Sri Lanka High Commission in Chennai offers birth registration services for children born in India to Sri Lankan parents who left the country during the conflict period.

[1] The report is accessible at https://openknowledge.worldbank.org/handle/10986/26128.
Good Practices Paper by the UNHCR on Ending Statelessness, 2015

Applicants have been afforded the opportunity of getting a birth registered either in Sinhala or Tamil.

3.3 Providing civil documentation to war affected communities and estate populations

50. Immediately following the end of the conflict, the Government in collaboration with the UNDP launched a special project (Equal Access to Justice Project) during the period 2009-2011 aimed at providing basic civil documentations including birth certificates to war affected persons as well as the estate sector community. Under this programme, a total of 112,000 disadvantaged persons from North and East and the estate sector were able to obtain vital civil documents (birth certificates, marriage certificates, death certificates, National Identity Cards) through mobile clinics enabling them to access services, open bank accounts, prove ownership to land or rights to inheritance etc. For the returnees from India and being under 21 years of age, the acquisition of citizenship has endowed them with the same rights to which other Sri Lankan citizens are entitled to. More than 100 mobile clinics have been conducted. A detailed description of measures taken to provide civil documentation and establish a sustainable national mechanism in this regard is at **Annex II**.

4. Non-discrimination in respect of LGBTIQ persons

51. Article 12 (2) of the present Constitution stipulates that "no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds". It is clear that the grounds of non-discrimination set out in the said article are not exhaustive and would cover differences pertaining to sexual orientation as well.

52. During the ongoing Constitutional Reform process it has been proposed by the sub-committee on Fundamental Rights of the Constitutional Assembly to specifically include "sexual orientation" as a ground of non-discrimination, thus clarifying any uncertainty as to whether discrimination based on sexual orientation is prohibited under the Right to Equality.

53. The formulation supported by the Sub-Committee in its report to the Steering Committee is as follows:

> *"No person shall be arbitrarily discriminated against on any ground including race, gender, sex, sexual orientation, gender identity, maternity, marital status, parental status, civil status, or social origin, age, disability, religion, conscience or belief, political or other opinion, culture, language, place of birth or place of residence."*

54. It is observed that an equality provision to the above effect would seek to overcome the impact of the applicable criminal law provisions affecting the LGBTIQ community, which post enactment judicial review of legislation is provided for under the new Constitution, which is envisaged.

55. It may also be noted that the NHRAP 2017-2021 adopted by the Government in January 2017 has also recommended "to Review the Penal Code offences to ensure that they are in compliance with the international Human Rights Standards and bring legislations where necessary".

5. Participation of adivasi community in decision making and measures taken to protect and strengthen the community

56. Although indigenous people can be found in different areas of the country, the majority of them live in the areas of Anuradhapura & Moneragala. When making policy decisions and implementing programs for the adivasi community Government institutions always seek the views of the respective community in these areas. Development and administrative activities involving the adivasi community are carried out at the divisional level and are coordinated by Divisional coordinating committees that meet on a monthly basis. These meetings are conducted with the participation of representatives of the adivasi community. Further direct coordination is maintained with the adivasi community through Grama Niladari (Village Officers) and Development Officers, nominated by the Divisional

Secretariat. The Ministry of Cultural Affairs continues to take a number of measures to safeguard the culture all ethnic & religious groups along with their folk life in keeping with provisions relating to protection of folk heritage contained in the National Cultural Policy.

57. The following are some initiatives launched by the Ministry on the request of the adivasi community to safeguard their indigenous folk heritage.

- A folk heritage centre was established in Dambana where the adivasi community could display and disseminate their traditional cultural values.
- Proceeds of the folk heritage centre are channeled to the adivasi community with a view to strengthen their economy.
- A new folk heritage centre is being constructed at Alimankada area with a large number of adivasi members.
- Physical and financial facilities are provided to the adivasi community to commemorate international day of indigenous people.
- The adivasi community has also been encouraged through different initiatives to take up, if agreeable to them other sources of livelihood in addition to their traditional livelihood means. The Government provides the community physical and financial assistance to engage in agriculture, fishing etc. The adivasi community members have also being encouraged to cultivate medicinal herbs which are purchased from them by the Department of Ayurveda Medicine.
- Assistance has been provided to the adivasi community members to build houses for themselves in a manner unique and agreeable to them. Under this programme 125 houses have already been constructed.
- The Government supports the adivasi community to ensure the continuation of their traditional intangible heritage and rituals. For transport, equipment and refreshments required for the "HI DEMA" ritual of the adivasi community are provided by the Government with the objective of conserving the said tradition.
- Measures have been taken to provide adivasi community with facilities necessary to safeguard their sources of livelihood. The Forest Department and the Department of Wildlife have been requested to facilitate the livelihood related activities of the community.

Equal Rights of men and women

6. Status of implementations of the activities related to gender equality under the NHRAP 2011-2016

58. A comprehensive table providing updates on the implementation of key activities pertaining to gender equality in the NHRAP 2011-2016 are at **Annex III**

III. Issues relating to the specific provisions of the Covenant

Right to work

1. The impact of measures taken for the promotion of stable employment and decent work (update on para. 61-68 of the Report)

59. The National Human Resources and Employment Policy (NHREP) launched in year 2012 can be taken as the overarching policy framework of the government of Sri Lanka that governs the human resources development and provides full, decent and productive employment for all men and women in Sri Lanka.

60. The implementation process of NHREP is monitored by the Department of Manpower and Employment under the supervision of Ministry of Labour and Trade Union Relations. As the main responsible government institution, the Department has taken steps to increase youth employment through employment creation, career guidance and providing services for job searching. Details of these programmes are given below:

Type of the programme	No. of programmes conducted in 2015	No. of beneficiaries
Career Guidance Programmes	6 444	184 681
Employment Creation		
Promoting Programmes	529	19 219
District Job Fair Programmes	6	10 396

Source: Annual Performance Report- 2015, Ministry of Labour and Trade Union Relations

61. Career Guidance programmes are conducted with the objective of developing attitudes in the employers, motivating and improving the required knowledge of the job seekers and employment creation promoting programmes are conducted to establish decent work practices and social protection of employees to encourage among SMEs thus enabling them to recruit workers with right skills and attitudes.

62. At present, 24 Public Employment Services Centers (PESs) are being operated by the Department in 24 Districts in collaboration with ILO and financial assistance of European Union.

No. of PESs Centers	No. of registered job applicants	No. of registered vacancies	No. of job matching	No. of employing
24	43 390	18 518	20 946	4 437

Source: Annual Performance Report- 2015, Ministry of Labour and Trade Union Relations

63. The Local Empowerment through Economic Development (LEED) project funded by the Government of Australia was implemented with the collaboration of the ILO in Vavuniia, Mullaitivu and Kilinochchi districts, which were the most conflict affected areas of Northern Province, to create decent work and employment for poor and vulnerable people in the North.

Key areas addressed by the LEED project

- Support to establish the local building and supply of fishing boats.
- Making market linkages for blue swimmer crab.
- Support to initial aquaculture as an alternative livelihood option for women and men in the conflict affected areas.
- Support for strengthening the supply chain of aquaculture development.
- Fruit and vegetable sector development.
- Support for paddy processing and marketing.
- Women Entrepreneurship Development and gender Equality (WEDGE).

64. The benefits obtained from LEED project (up to 28/02/2016) is shown in the following table:

Sector	No. of self-employment created	No. of direct employment created	No. of people have access to improved markets	Monthly Average income per person	Total income earned Rs. Mn
Paddy	30	150	8 000	12 000.00	90

Tobacco	750	150	900	25 500 000	80
Fruits and Vegetables	2 000	50	2 050	80 000 000	210
MSMEs	225	—	225	25 000 000	9
Other Field Crops	500	—	800	15 000 000	75

65. Detailed statistical data on employment disaggregated by sex, age group, urban/rural area and other relevant factors are at **Annex IV**

Right to just and favourable conditions of work (art. 7)

2. Minimum wages, decent standard of living for workers and families & equal pay for equal work

Whether minimum wages exist for all industries

66. National Minimum Wage of Workers Act No. 3 of 2016 was enacted to establish a national minimum wage for all workers in any industry or service in the private sector. According to this Act, the national minimum wage is Rs. 10,000 and the national minimum daily wage of a worker is Rs. 400.

67. Further, there are 44 Wages Boards registered under the Wages Boards Ordinance No. 27 of 1941 to decide the minimum wage for certain industries. This is on top of the national minimum wage.

To what extent minimum wages enable a decent standard of living for the workers and their families

68. The National Minimum Wage of Workers' Act No. 3 of 2016 applies to all workers. Prior to this law, there was no minimum wage to cover all workers. The Wages Boards apply only to industrial workers or factory workers. It doesn't cover those who are working in shops and offices. Therefore, the national minimum wage would have positive impact on decent standard of living for workers and their families. However, as the minimum wage law was introduced in 2016, it is too early to determine the impact of this law on decent standards of living.

69. Apart from that, the Wages boards are summoned in time to time with the participation of stakeholders to fix and increase the minimum wages. In this mechanism, the minimum wages for occupations in a specific industry are determined by the tripartite body established under the Wages Boards Ordinance and the parties involved try to maintain the principle of equal pay for men and women. However, as the sustainability of particular industry is taken into consideration, at the time of discussions of the Wages Boards, to determine and increase the minimum wages, the minimum wages for a certain occupations may vary from industry to industry. There are 44 established Wages Boards under the Wages Boards Ordinance.

How the right to equal pay for work of equal value across industries is implemented

70. Male and female employees of the private sector establishments are equally covered by the labour laws in Sri Lanka. There is an implied commitment on the part of the employers and the society at large to ensure fair treatment to women in the field of employment. Although there are no specific provisions under the labour laws focusing on discrimination against women, special protections are afforded to women on employment conditions, safety and health. Employment of females in Mines Ordinance No 13 of 1937 prohibits employment of women on underground work, the Factories Ordinance No. 45 of

1942, Employment of Women Young Persons and Children's Act No 47 of 1956 and the Shop and Office Employees (Regulation of Employment and Remuneration) Act No 19 of 1954 restrict employment of women on excessive overtime work and night work. The Maternity Benefits Ordinance No. 32 of 1939 provides for the payment of Maternity Benefits and protection for other matters incidental to the employment of women before and after their confinement. Any dispute arising out of discrimination could be brought to the notice of the Commissioner General of Labour in order to settle by way of conciliation or arbitration under the Industrial Disputes Act No. 43 of 1950.

71. In the private sector, wages of majority of the workers are determined by the Minimum Wage Act and the Wages Boards.

72. Differences of wages do not also exit in collective agreements concluded. The Department of Labour among other things looks in to practices of discrimination in wages between men and women during the labour inspections and appropriate remedial action will be taken if such instances are detected.

3. Measures to protect migrant workers against trafficking, exploitation and violence and to provide assistance to victims

73. Ministry of Foreign Employment has two mechanisms in place:

(i) Migrant worker concerned may lodge a complaint with the relevant Sri Lankan embassy, subsequent to which the victim will be guided to seek redress from the Labour Department any other relevant authority in the country of employment.

(ii) When an incident of breach of the contract of employment or failure of licensee to prevent such breach is reported to the Foreign Employment Bureau, to make an award directing the licensee to pay compensation after conducting an inquiry.

74. The SLBFE provides counseling services and reintegration programmes including protection services at a transit shelter ("Sahana Piyasa") based closed to BIA, for returnee migrant workers to provide medical, counseling and other assistance referred from the SLBFE. GoSL also provides access to medical facilities, including psychological assistance and counseling for free of charge which can be obtained from Government hospitals. Legal Assistance and access to court proceedings are also provided by the Bureau where necessary. SLBFE also maintains 12 safe houses in 10 countries for female migrant workers which provides food, accommodation, medical assistance, transport etc till they return to Sri Lanka, in times of need.

Provided by safe houses:

[illegible]	[illegible]
Abu Dhabi	136
Dubai	194
Jeddah	81
Jordan	57
Kuwait	1 118
Lebanon	13
Malaysia	11
Oman	294
Qatar	433
Riyadh	904
Singapore	6
Cyprus	111
Bahrain	6
Total	**3 682**

Facilities provided during the reporting period by the SLBFE at the BIA:

Facility provided	*No. of beneficiaries*
Payment of airfare	3 540
Providing transporting facilities	167
Sending pregnant migrant workers to the probation officer	16
Sending migrant workers to the probation office with children	31
Handing over the medically unfit migrant workers to their families	1 327
Hospitalized	92
Providing services (i.e. — food)	2 563

Trade union rights (art. 8)

4. Measures to ensure the protection of labour rights in the informal economy and regularize progressively informal employment and business

75. All labour laws and legislations are applied for informal sector where the employer employee relationship exists.

76. The Government of Sri Lanka has given special attention to ensure the Freedom of Association enjoyed by the workers in Export Processing Zones (EPZs). The Ministry of Labour and Trade Union Relations in collaboration with the Board ofInvestment (BOI) had taken steps to establish worker facilitation centers to provide access for the trade union leaders or representatives to meet the respective workers with whom they want to meet. Accordingly, 5 such Centers in Katunayake, Biyagama,Koggala, Wathupitiwela and Kandy Zones have already being established and being used by Trade Unions. Since 2011 to date the use of Facilitation Centers by Trade Unions are given in the as **Annex V**. Apart from that, in EPZs (14), there are 31 trade unions of which 18 trade unions are enjoying check-off facility and 7 collective agreements are in force. There seems to be a culture that employee councils are converting in to trade unions. Accordingly, 109 employee councils in EPZs have already been converted and registered with Trade Union Register as Trade Unions.

Unfair Labour Practices (up to 28/02/2017)

(i)	No. of cases reported	12
(ii)	No. of cases filed with MC	09
(iii)	No. of cases concluded	02
(iv)	No. of cases pending at courts	07

Note: One case was not filed on account of not giving evidence by workers before the court.

Referenda

17 Company and date of the request made for ref. by trade	*Date of ref. conducted*	*Result (%)*
FTZ & GSEU at Mitai Pvt Ltd. 17/12/2011	26/01/2012	37
Ceylon Mercantile Industrial and General Workers Union at Dole Lanka Pvt. Ltd. 12/09/2012	29/11/2012	60.35
ICEU at Taj Samudra Hotel 22/02/2012	28/03/2012	25.12
FTZ&GSEU at New Fathit Lecher Pvt. Ltd.	21/06/2013	72.5
ICEU at Trico Maritime Pvt. Ltd. 23/01/2013	05/12/2013	Over 85
ICEU at Ambilipitiya ELS Construction	21/02/2014	13.76

Company and date of the request made for referendum	Date of referendum held	Result (%)
ATG Ceylon Pvt Ltd	07.02.2017	40.72
ATG Occupational Pvt Ltd	07.02.2017	47

No. of gazetted Collective Agreements (up to 28.02.2017)

2015	2016	2017
40	31	04

Right to Social Security (art. 9)

5. Statistical data on population covered by social security

77. Updated data on Social security schemes, desegregated by sex, age group are estimated by the House Hold Income and Expenditure Survey (HIES) 2012/13 conducted by the Department of Census and Statistics (DCS). HIES is conducted every three years and the DCS is presently in the process of compiling data for the HIES conducted in 2016.

78. The following table shows the percentage of the population who are entitled for Social Assistance Programmes and Social Insurance Programmes. (Direct beneficiaries) including other members of their families (indirect beneficiaries), to the total population in that particular group.

Disaggregated Level	Percentage %
Total number of beneficiaries	**35.2**
By Sex	
Male	33.5
Female	34.9
Children (age below 14 years)	33.6
Older Persons (age above 60 years)	
Total	**44.7**
Male	41.9
Female	46.4
New born (age below 1 year)	
Total	**34.8**
Male	34.1
Female	35.4

79. Progress achieved between 2012/13 and 2016 towards the establishment of a Universal Protection Scheme will be measured once data in HIES 2016 is released.

Protection of family and children

6. Elimination of Child Labour and eradicating exploitation of children

80. The outcome of the implementation of the 2016 road map on the worst forms child labour:

81. The Department of Labour has successfully taken actions for maintaining the status of zero tolerance of child labour in the country. Steps have already been taken to declare the

Districts of Ratnapura, Kegalle and Ampara of the country with the zero level of worst forms of child labour. The programme has strong mechanism to identify the vulnerable children who are subject to be in child labour and this early identification helps to prevent them from the vulnerable situation. For an example, Ratnapura District where first Child Labour Free Zone programme was implemented has removed children from child labour. This programme is now being replicated in all other districts in the country with lessons learnt and best practices found from the implementation of Child Labour Free Zone programme in Ratnapura District.

82. With the assistance of the International Labour Organization (ILO), workshop for media personnel was conducted to make aware the status of zero tolerance of child labour in the country. Another workshop was conducted to the Police Officers attached to the Women and Children Affairs Desks of the Police Department, to make aware of the zero tolerance of child labour policy.

83. The lists of institutions, where the hazardous forms of jobs are carried out were collected through the district administration and the Local Government Authorities, were inspected by the Labour Officers of the Department of Labour for making aware the employers of those institutions on "Hazardous Forms of Child Labour" as well as to take actions against the employers who employed children in those hazardous jobs. Only 388 such inspections were carried out during the reference period and no child labour of hazardous forms were detected. But there may be such jobs carried out by young persons. So, more inspections were planned in future also.

No. of Inspections at the workplaces where hazardous jobs are carried out	250	388

84. No. of routine inspections (including child labour inspections) carried out by the Labour Officers in the Districts for the period from January to September, 2016 – 24,778.

85. The Woman and Children Affairs Division of Department of Labour closely associate with the ILO in implementing the "Country Level Engagement and Assistance Cooperation to Reduce Child Labour (CLEAR)" project.

86. The percentage of children who engage in hazardous forms of child labour has considerably dropped from 1.5% in 2009 to 0.9% in 2016 out of the estimated child population (between age 5-17).[10] Out of the 0.9%, no children in the age of 5-11 engage in any form of hazardous labour while the majority belongs to the age group of 15-17 according to the said report.

87. "National Policy on Elimination of Child Labour in Sri Lanka" has been approved by the Cabinet. An action plan will be prepared to implement the policy very soon. As the minimum age of education has been raised from 14 to 16 through the regulation to the Education Ordinance of the country, by the Ministry of Education, the Department of Labour also has a plan to raise the minimum age of employment from 14 to 16.

88. The Department of Labour associated in conducting the "Child Activity Survey – 2016" with the Department of Census and Statistics in certain ways and the final report of the survey has been officially released. Currently, the child labour situation has improved and only 1% of the estimated child population of the country (age 5 to 17) are in the child labour.

[10] Report on Child Activity Survey 2016 – http://www.statistics.gov.lk/samplesurvey/Child%20Activity%20%20Survey%202016.pdf

	Survey Year					
	2003*		2008/09**		2016	
Main indicators	Number	%	Number	%	Number	%
Child Population						
Estimated child population aged 5-17	4 544 770	100	4 338 709	100	4 571 442	100
Children not engaged in any work of economic value	3 618 733	78.7	3 781 111	87.1	4 467 738	97.7
Children engaged in work of economic value (working children)	926 037	21.3	557 599	12.9	103 704	2.3
Children engaged in Work but Non child labour	N.A	N.A	450 340	10.4	59 980	1.3
Children in Child Labour but non hazardous	N.A	N.A	43 343	1	4 707	0.1
Children engaged in Hazardous forms of child labour	N.A	N.A	63 916	1.5	39 007	0.9
School attendance						
Among Total children	3 913 102	90.1	4 076 731	94	4 118 781	90.1
Among Working children	692 420	74.7	448 161	80.4	40 290	38.9
Among Total Child labour	N.A	N.A	57 315	53.4	8 713	19.9
Among Hazardous form of Child labour	N.A	N.A	19 111	29.9	4 612	11.8
Working Children by employment status						
Employee	172 938	18.7	86 425	15.5	37 500	36.2
Employer	526	0.1	0	0	0	0
Own account worker	33 682	3.6	20 631	3.7	4 741	4.6
Contributing family worker	710 184	76.7	450 543	80.8	61 463	59.3
Other	8 713	0.9	N.A	N.A	N.A	N.A

Source: Report on Child Activity Survey 2016 Sri Lanka, Department of Census and Statistics

* Excluding Northern and Eastern Provinces

** Excluding Northern Province

N.A – Not Available

89. Field work of the survey was carried outs from January to May. Many of students in age 15-17 years were not attending school as they were expecting G. C. E. (O/L) results.

90. In Sri Lanka, there is hardly child labour in manufacturing sector. As school enrolment ratio is 90.1 as a percentage of total child population, child domestic work also is very hard to find. However, investigation from home to home to detect child domestic work is difficult and therefore more awareness are being raised.

91. Obstacles to eradicate, exploitation of children in domestic work, agriculture and manufacturing sectors:

92. Poverty among the rural community is a major challenge in eradicating, exploitation of children in domestic work and as well as in the informal sector. Another explanation would be the comparatively weak trade union activities in the informal sector due to various reasons.

Right to an adequate standard of living (art. 11)

7. Impact of poverty alleviation programs

93. Poverty Head count ratio is reported as 6.7% according to the HIES 2012/13. The report on "spatial distribution of poverty in Sri Lanka 2012/13" provided the information of

poverty headcount ratio down to the Divisional Secretariat level. This report is available at http://www.statistics.gov.lk/poverty/SpatialDistributionOfPoverty2012_13.pdf.

94. Percentage of FHH in Sri Lanka is 24.3 according to the Census of Population and Housing (CPH) 2012. According to the CPH 2012 out of the total female population 77% live in the rural sector while another 4% live in the estate sector.

95. The Sri Lanka Labour Force Survey 2015 reports that economically active female population (15 years and above) in the Estate Sector is 44.92% and in the Rural Sector is 36.1%. The report of the survey is at http://www.statistics.gov.lk/samplesurvey/LFS_Annual%20Report_2015.pdf.

96. The GoSL has identified Women Headed Households (WHH) as a vulnerable social group comprising approximately 24.3% of the female population of the country. Successive Commissions/Task Forces including the Lessons Learnt and Reconciliation Commission (LLRC) and the CTF have highlighted the importance of according protection, providing support and addressing the grievances of this group. Accordingly, the MWCA, in consultation with relevant stakeholders including the civil society, has formulated a national policy on WHH.

97. The aforesaid National Policy on WHH focuses on health and psychosocial support, livelihood development, support services systems, protection, social security, national level policy formulation and awareness building. Seventeen Ministries have been identified as having direct involvement in carrying out the responsibilities of the National Action Plan which is been formulated by the MWCA. The policy and the action plan have been drawn up based on a Gap Analysis of immediate needs of and existing services available for WHH, conducted in collaboration with the Office for National Unity and Reconciliation(ONUR).

98. A National Centre has been established for WHH, with offices in the war affected areas to address the pressing needs of war affected women including through the provision of counselling, legal aid, awareness raising and provision of assistance for livelihood development programs.

99. The Cabinet has approved Rs. 50 million to support the economic empowerment of WHH. Providing financial assistance for self-employment is a key activity carried out under the Government's program for poverty alleviation. A self-employment project which is being implemented in the Eastern Province with the assistance from the Government of India is among the several programs launched in this regard.

100. During the period 2012-2015, the MWCA has provided grants amounting to Rs.75 million for programs aimed at the economic empowerment women, covering a total of 2,521 beneficiaries including a large number of WHH. A revolving credit scheme is also in place since 2011 under which approximately Rs. 11 million has been disbursed among 518 beneficiaries for self-employment activities. WHH have also been afforded housing loan facilities by the Ministry of Housing and Construction. Special vocational and non-formal training programs are conducted for women who have not been able to continue with their formal education. As an immediate step to provide relief to affected women, mobile service clinics (Uiya Shakthi) have been conducted in the Kilinochchi District and vital civic documents have been issued by respective agencies to over, 3000 women who had been unable to obtain the same due to the conflict.

8. Protection of the rights of land owners and users in the acquisition of land for public purposes

101. The legal framework that has been put in place to ensure the protection of the rights of land owners and user in the event of land acquisition by state institution has been discussed in detail at para. 5.1 to 5.5.

102. As for the outcome of the work of the committee established to investigate evictions and resettlements carried out by the Urban Development Authority, it is noted that a newspaper notice was published by the Authority to obtain complaints from the families resettled by the UDA under the Urban Regeneration Project (URP). The Committee

scrutinized the complaints received pursuant to the newspaper notice at the end of which process, it was found that no complaints of forced evictions by the UDA have been reported. The details nature of the representations received from the public pursuant to the newspaper notice are as follows:

1. Requests for additional units in terms of the extent of the floor area of the existing house;

2. Requests for additional housing units in terms of the number of families;

3. Loss of income due to the unavailability of suitable space for commercial purpose;

4. Request for houses by tenants;

5. Requests for houses from people living in other areas (not relevant to URP).

103. After reviewing the above complaints, the Committee recommended the following measures that are currently being implemented:

1. Allocation of additional housing units depending on the extent of the house land that is occupies;

2. Allocation of commercial units on rent basis to ease off economic hardships;

3. Payment of compensation for privately owned lands.

9. Strengthening of legal, procedural and policy framework for the protection of the rights of IDPs

104. The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs developed a Policy on Durable Solutions for the Displaced and Persons Affected by Conflict Displacement with technical assistance from UNHCR.

105. The Policy has been drawn up based on, *inter alia*, draft policies drawn up in previous years and other key documents such as the Report of the Lessons Learnt and Reconciliation Commission, and in line with key principles enshrined in national and international law. The Policy is an inclusive one. Hence, it will focus on durable solutions for the Internally Displaced and those affected by conflict displacement.

106. Through the Policy, GoSL has committed to a comprehensive age, gender and diversity sensitive approach to the development and implementation of assistance to the displaced, refugee returnees and other displacement-affected persons. Accordingly, the Government has undertaken to implement disaggregated and targeted responses to address the special vulnerabilities of identified groups within the IDP community including women.

107. The above Policy was approved by the Cabinet on 27 August 2016. The approved Policy has been forwarded to relevant agencies to be incorporated into their respective work programs. The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs has aligned its budget for 2017 with the implementation of the measures identified in the Policy.

108. The NHRAP 2017-2021 adopted by the Government in January 2017 contains a separate chapter on the Rights of Internally Displaced Persons setting out of a number of policy and practical measures to be implemented to uphold the rights of IDPs.

109. As at end August 2016, the Government had resettled a total of 253,231 families consisting of 882,392 individual persons. The number of persons remaining to be resettled is 13,670 families consisting of 43,607 persons.

From 2009 to 31.12.2016					As at 31.12.2016		
Number of Registered IDPs		Number of Resettled IDPs			Number of IDPs remaining to be resettled		
Families	Members	Families	Members	Percentage	Families	Members	Percentage
267 897	929 438	254 736	887 400	95%	13 161	42 038	5%

Right to physical and mental health (art. 12)

10. Availability and accessibility of mental health services

110. Mental health services to address widespread post-conflict mental disorders — accessibility in former conflict affected areas, including for the families of missing persons.

111. Population needs, mental health services and mental health promotion in Sri Lanka have undergone significant change in recent years. Mental health services have been developed across the country to provide people from all districts with reasonable mental healthcare. Currently, acute in-patient facilities are available in 22 of the 25 districts of Sri Lanka. Medium stay rehabilitation facilities and long stay facilities are available in some districts. These include 6 medium stay units in the Northern and Eastern provinces (Thellipalai, Chettikulam, Senarathpura, Kalmunai North, Palamunai and Mawadiwembu). Out-patient and outreach mental health services are available in 250 clinics covering most parts of the country.

112. A framework for supporting persons with mental health issues has been established. Currently, 8 such centres function in the Northern and Eastern provinces. It has been observed that alcohol-related mental health issues are on the rise. Accordingly, the Ministry of Health has launched a National Policy on Alcohol Control last year and the establishment of alcohol rehabilitation centres at the district level is in progress. As of now, 8 rehabilitation centres are in operation, of which 3 are in the North and the East.

113. The Directorate of Mental Health established under the Ministry of Health has taken a number of steps to improve the quality of mental health services and to enhance the knowledge of health workers with regard to mental health. Programmes to alleviate workplace stress and improve the work efficiency of workers have also been conducted.

114. The provision of psycho-social support plays a paramount role in addressing the needs of traumatised persons. Thus, the Directorate has conducted islandwide training programmes for multi-stakeholder teams in the mental health field on psychological first aid, in collaboration with mental health professionals. A team of master trainers have been trained in this regard. The Directorate also coordinates and provides islandwide psychological support first aid during emergencies, disasters.

Right to Education

11. Inequalities in the enjoyment of the right to education

115. Ministry of Education has taken numerous measures to ensure that every child has access to primary and secondary education by establishing schools within every two kilometres and four kilometres respectively. Furthermore 10% of the budget has been allocated to provide free textbooks to all students, uniforms, nutrition programmes, bursaries, scholarships and other similar subsidies.

116. The concept, *Child Friendly Schools* which is introduced by the Ministry contributes to improve the quality of primary schools in rural areas. Under a specific criteria students, teachers and principals evaluate the status of the school. By going a step forward, *Disaster Risk Reduction, School Safety Education* etc. has been included in the school curricular.

117. Children from vulnerable groups have also been integrated into the system by establishing schools in the estate areas, providing special education units to Children with special needs, inclusion of differently-abled students into regular schools and a community learning centre program has been introduced to give basic literacy training to street children.

118. The following steps have been taken to ensure that the children affected by conflict have full access to education:

- Construction and rehabilitation of schools
- Emergency Preparedness Response Plans
- Capacity development of teachers in psychosocial response
- Home Learning Modules
- Catch-up Education
- Accelerated Learning Program (A.L.P)
- Mine Risk Education

119. The GoSL has taken measures to establish a school inspectorate to improve the quality of education, increase the budget allocated for education in order maintain an equal distribution of human and physical resources, improve early childcare education, mainstream the inclusive education approach and recruit teacher with special training required for various groups of students.

12. Ensuring quality education at the secondary level

120. Education Sector Development Framework and Program (ESDFP) of the Ministry of Education is being implementing from 2006 to up to now. The major policy themes of the ESDFP are as follows:

(a) Increasing equitable access to basic and secondary education;

(b) Improving the quality of basic and secondary education;

(c) Enhancing the economic efficiency and equity of resource allocation;

(d) Strengthening education governance and service delivery.

121. In order to make school facilities more equitable following programmes are currently being operated to provide more opportunities to all children.

- Establishment of 1000 secondary schools with Technology laboratories, which equipped with Science, Technology and Languages learning facilities, allocating at least one school per one Divisional Secretariat. This initiative will reduce the inequality of resource allocation according to the geographical or any other regional discrepancies.
- "Nearest School is the Best School" concept is being implemented to improve the quality of primary education through developing infrastructure, and drinking water and sanitation facilities especially in rural areas.
- Concerning 6 to 10 the process of developing former conflict affected areas by providing infrastructure facilities to leading schools.
- Introduce child friendly education concept to primary schools to improve learning friendly environment to primary schools.
- Introduce inclusive education toolkit to 20015 for primary teachers to identify the at risk children and reduce the school dropouts.

122. New Education reforms:

- With the aim to prevailing above issues several key education reforms have been proposed. These proposals are developed based on the government policy

recommendations of 13 years of education as a strategy to enable the country to meet the sustainable development goals (SDGs) by 2030.

The following three major reform proposals are being designed to change the general education system interlinking each other:

- Mandatory 13 years of education;
- Establishment of School Boards;
- Establishment of Sri Lanka Education Improvement.

Overall objectives of the reforms

- Enable all children to progress through general education system up to upper secondary stage of education, reaching their interest and potential, and to provide a sound foundation for higher education, TVET and the World of work.
- Close the competency & skills gaps of all Children and enable them to be educated as ethical skilled citizens with values.
- Strengthen the youth's capacity for active participation in creative, knowledge knowledge economy through productive employment.
- Mandatory 13 years of education is designed to ensure full participation of all children from primary to upper secondary education and expand educational opportunities with diversified and flexible curriculum and performance-based assessment system.

Cultural Rights (art. 15)

13. Implementation of the Official Language Policy

Obstacles to implement the Official Language Policy

123. Dearth of translators in the country, specially for Sinhala Tamil and vice versa.

- This is the key problem for the non-implementation of the recommendations issued by the Official Languages Commission to Government institutions to make available their details, public forms etc. in all three languages. This has given rise to communication problems in the respective medium with the institutions concerned in relation to written correspondence and direct interactions.

124. Scarcity of bilingual and trilingual officers in Government institutions.

- Due to this reason most Government institutions are not in a position to provide services commensurate to the demand. The Government provides facilities for public officers to acquire proficiency in the second language and has made it a mandatory requirement for career progression. However, they fail to deliver services in the said language practically.

125. Another key problem is the inadequate physical resource in certain Government institutions. I.g: Computers, software, glossaries etc.

126. Unavailability and inadequacy of teachers who can teach Sinhala and Tamil languages for school students and public officers as their second language.

127. Problems associated with poor attitudes in some officers towards learning and practicing the second language. The social background, educational background etc. affects the learning of second language and the provisions of financial allowances, rule and regulations have not been sufficient to encourage public servants to render language services effectively.

128. Lack of financial provision to certain entities to fulfill the requirements related to the official languages policy such as the preparation of trilingual name boards, obtaining translation services etc.

129. Inadequacy of institutions at the provincial level for the implementation of the Official Languages Policy. This is a key obstacle for disseminating the Official Languages Policy to the public.

Mandate of the Official Languages Commission

130. According to the Official Languages Commission Act no 18 of 1991 following are the objectives of the commission:

(a) Recommend principles of policy relating to the use of the Official Languages, and to monitor and supervise compliance with the provisions contained in Chapter IX of the Constitution;

(b) Take all such actions and measures that are necessary to ensure the use of the languages referred to in Article 18 of the Constitution, in accordance with the spirit and intent of Chapter IX of the Constitution;

(c) Promote the appreciation of the Official Languages and the acceptance, maintenance and continuance of their status, equality and right of use;

(d) Conduct investigations, both on its own initiatives and in response to any complaints received, and to take remedial action as provided for, by the provisions of the Act.

131. Cases where individuals have complained to the Official Languages Commission regarding the unavailability and inaccessibility of public services in their languages and the regulatory organizational measures that were taken subsequent to related decisions are at **Annex VI**

14. Access to Internet and free Wi-Fi connections in remote areas

132. Internet and Wi-Fi connection in remote areas (disadvantaged and marginalized groups and individuals) impact of the measures taken to bridge the gaps.

133. The process to provide free Wi-Fi connection and internet access throughout the Country is ongoing. Despite certain issues pertaining to the implementation of the Govi Isuru project, the commitment of the Government to provide free Wi-Fi across the country remains. With the implementation of the Lanka Government Network project, it is envisaged that every Government office would have a free Wi-Fi area. Currently free Wi-Fi access has been provided in 912 identified locations covering all 09 provinces. It may be noted that the majority of these locations (i.e. 298 out of 912) are situated in remote areas.

134. Programs envisaged to be implemented in the year 2017 to achieve equitable distribution of digital infrastructure is at Annex VII.